



NASA OFFICE OF INSPECTOR GENERAL

OFFICE OF COUNSEL
SUITE 8U71, 300 E ST SW
WASHINGTON, D.C. 20546-0001

December 2, 2019

Emma Best
c/o MuckRock News
Depts MR 83608 & 83104
411A Highland Ave
Somerville, MA 02144-2516
83104-21929646@requests.muckrock.com

Re: Initial Determinations on Freedom of Information Act (FOIA) Requests #20-OIG-F-00106/2020-04 & 20-OIG-F-00126/2020-06

Dear Ms. Best:

The NASA Office of Inspector General (OIG) is in receipt of your November 22, 2019, Freedom of Information Act (FOIA) request in which you asked for the following records:

“a copy of the list or printout or database listing of Inspector General investigations closed/reports completed during calendar year 2013. If the list is organized by FY rather than calendar year, the FY 2013 list is sufficient for this request. If no central list or database exists, then I request copies of the cover sheet or first page of each IG report completed during calendar year 2013.” In the attachment to this FOIA request, you maintained that you were a member of the news media and requested classification as such and that all fees be waived.

We have logged this request as FOIA request # 20-OIG-F-00126/2020-06. Please reference this tracking number in all correspondence.

Previously on November 19, 2019, we wrote to you regarding your request for the 2014 closed reports listing, *i.e.*, FOIA request # 20-OIG-F-00106/2020-04, informing you that the request would be processed under the “all others” fee category (*i.e.*, not as a representative of the news media), and we provided you a fee estimate because you had asked if fees would be charged. You have not replied to that correspondence, nor agreed to pay any fees.

In both your pending FOIA requests, you assert your status as a representative of the news media. We are aware that the NASA Headquarters FOIA Office, on March 14, 2019, denied your request for media status in an appeal determination. For the same reasons, the NASA OIG

FOIA office is similarly denying your request for media status and denying your request for a fee waiver for the purposes of your two outstanding FOIA requests - #20-OIG-F-00106/2020-04 & 20-OIG-F-00126/2020-06.

NASA's regulations state that the determination whether a particular requester is a "representative of the news media" is made on a case-by-case basis given the specifics of the request and the requester's intended use. *See* 14 C.F.R. 1206.507 (c)(3). Aggregating and posting records released under the FOIA does not entitle a requester to status as a representative of the news media. You have provided no evidence that the records you are seeking – relating to activities in the 2013- 2014 time frame – constitute current news event and/or is of public interest. Further, you have not demonstrated evidence that the raw information you are requesting will be turned into a distinct product, and that your work, as a freelance journalist will be published by a news-media entity.

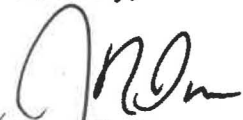
Under 14 CFR § 1206.700, you may appeal this denial of your request for status as a representative of the news media status and the denial of your request for a fee waiver for FOIA Requests # 20-OIG-F- 00106/2020-04 & 20-OIG-F-00126/2020-06 within 90 days by writing to:

NASA, Office of Inspector General
Headquarters
300 E Street, SW, Suite 8V39
Washington, D.C. 20546-0001
Attn: George A. Scott, Deputy Inspector General.

The appeal should be marked "Appeal under the Freedom of Information Act" both on the envelope and the face of the letter. A copy of your initial request must be enclosed along with a copy of the adverse determination and any other correspondence with the FOIA office. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial decision to be in error.

You may contact our FOIA Public Liaison, Francis P. LaRocca at 202-358-2575 for any further assistance and to discuss any procedural aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



James R. Ives
Assistant Inspector General for Investigations
OIG FOIA Officer – Investigations